

CITY OF SAN JOSÉ, CALIFORNIA
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number
P.C. 06/12/2002 Item: 4.b.

File Number
PDC 01-02-019

Application Type
Planned Development Rezoning

Council District
6

Planning Area
Willow Glen

Assessor's Parcel Number(s)
264-43-017;074

STAFF REPORT

PROJECT DESCRIPTION

Completed by: Anastazia Aziz

Location: South side of West Virginia Street approximately 200 feet westerly of Bird Avenue

Gross Acreage: 1.2

Net Acreage: 1.2

Net Density: 14 DU/AC

Existing Zoning: CP Commercial Pedestrian

Existing Use: Commercial

Proposed Zoning: A(PD) Planned Development

Proposed Use: Single-family attached residential

GENERAL PLAN

Completed by: AA

Land Use/Transportation Diagram Designation
Medium Low Density Residential (8DU/AC)

Project Conformance:
☒ Yes ☐ No
☒ See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING

Completed by: AA

North: Residential

R-2 Residential

East: Commercial Pedestrian

CP Commercial Pedestrian

South: Railroad and Residential

R-2 Residential

West: Railroad and Residential

R-2 Residential

ENVIRONMENTAL STATUS

Completed by: AA

☐ Environmental Impact Report found complete on
☐ Negative Declaration
☒ Negative Declaration circulated on May 22, 2002

☐ Exempt
☐ Environmental Review Incomplete

FILE HISTORY

Completed by: AA

Annexation Title: Gardner

Date: March 16, 1911

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

☒ Approval
☐ Approval with Conditions
☐ Denial

Date: _____

Approved by: _____
☐ Action
☒ Recommendation

APPLICANT/DEVELOPER/OWNER

Greg Blackwell, Blackwell Brothers
715 North First Street, Suite 300
San Jose, CA 95112

Lawrence A. Silva and Daryla D. Silva
1424 Kiner Avenue
San Jose, CA 95125

Donald and Ana Silva
2610 Bobolink Drive
San Jose, CA 95125

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: AA

Department of Public Works

See attached memorandum.

Other Departments and Agencies

See attached memoranda from Fire Department, Police Department, and Valley Transportation Authority.

GENERAL CORRESPONDENCE

See attached correspondence from Willow Glen North Association dated September 4, 2001.

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Blackwell Brothers Development Co., is requesting a Planned Development Rezoning from CP Commercial Pedestrian to A(PD) Planned Development to allow up to 16 single-family attached residential units (14 DU/AC) on the subject property. A common carrier depot (taxi cab dispatch) and vehicle repair facility currently occupy the site. There is an open Code Enforcement case on the subject property. The car repair/maintenance shop is not permitted and the site is unkempt and inoperable vehicles frequently are scattered about the property.

The subject property is approximately 1.2 acres in size, is irregular in shape and is bounded by an active railroad track to the south, a small, unkempt triangular property owned by the Peninsula Corridor Joint Powers Board (JPB) to the west, West Virginia Street to the north, and Bird Avenue to the east. The City of San Jose owns a sliver of land between Bird Avenue and the subject site; a billboard is currently located on this property. Dilapidated properties occupied by commercial uses are located at the southwestern corner of Bird and West Virginia. These properties were previously included in this rezoning application but were deleted due to opposition from one of the property owners.

One tree is located on the property and other natural vegetation is limited. Over 72 trains per day, Caltrain, Amtrak and freight, travel past the subject site on the adjacent active train line. Valley Transportation Authority (VTA) bus route No.64, with service to nearby Diridon Station and the Lincoln Avenue Neighborhood Business District, operates along Bird Avenue with bus stops located within short walking distance of the project. The subject site is located in the Greater Gardner Strong Neighborhood Initiative (SNI) area.

A Planned Development Zoning is proposed because Title 20 of the City of San Jose Municipal Code does not provide a residential zoning district that accommodates for-sale, medium-density townhouse development.

Project Description

The project proposes 16 single-family attached for-sale units designed in a contemporary, boxy, Arts and Craft style. The three- and four-bedroom units are distributed amongst four buildings. The buildings are aligned perpendicular to West Virginia Street with one driveway providing ingress and egress to the project from West Virginia. A pedestrian connection to Bird Avenue is proposed adjacent to the commercial uses. Two end units side onto West Virginia Street.

Each unit includes private open space in the form of a rear yard. A two-car garage is located within each unit and on-site surface parking spaces, located in the interior of the site, accommodate visitor parking.

The units range from two to three stories and reach a maximum height of 32 feet. The units adjacent to West Virginia Street range in height from one to three stories with a single-story façade adjacent to the street. The two buildings located in the interior of the site range in height from one story at end units to three stories. A nine-foot sound wall is proposed along the property line adjacent to the railroad tracks and Joint Powers Board property.

The project proposes to work with the Joint Powers Board to improve the Virginia streetscape by cleaning up and landscaping a small triangular lot located between the subject site and the railroad tracks. The applicant is also proposing to remove the billboard located adjacent to Bird Avenue on property owned by the City of San Jose. The developer desires to ultimately redevelop the corner commercial properties at Bird Avenue and West Virginia Street for residential uses that are complementary with the current proposal. This would require a separate rezoning.

PUBLIC OUTREACH

A community meeting was held on August 13, 2001 with approximately 25 people in attendance. A number of residents voiced support for the project and indicated an eagerness to see the site develop with residential uses. Opposition to the townhome project was also voiced by community members who suggested that single-family detached homes would be more appropriate for the property. Members of the community expressed concern regarding the poor condition of the existing commercial properties at the corner of Bird Avenue and West Virginia Street.

Notices of the Negative Declaration and the public hearings before the Planning Commission and City Council were distributed to the owners and tenants of all properties located within 1,000 feet of the project site and Greater Gardner Strong Neighborhood Initiative Neighborhood Action Committee members. Staff has been available to discuss the project with members of the public.

ENVIRONMENTAL REVIEW

The environmental impacts of this project were addressed in an Initial Study, and a Draft Mitigated Negative Declaration was circulated for public review. The Draft Negative Declaration indicates that the proposed rezoning would not result in a significant environmental impact. A Phase I environmental report, Supplemental Soil and Water Investigation, an Archaeological Report, and Noise and Vibration Reports were prepared as part of the Initial Study. The Archaeology Report indicated that subsurface cultural resources were not likely to be present on the subject site. The results of the hazardous materials, and noise and vibration analyses are discussed below.

Hazardous Materials

The taxi cab operation on the site included fuel pumps and subsurface tanks. On June 22, 1994 a 7,500-gallon gasoline underground storage tank (UST) and a 300-gallon waste oil UST were removed. A 300-gallon gasoline UST remains on site. The applicant reported that this tank was purged of any fuel after being out of service since about 1985 and closed-in-place by filling with concrete in 1985. Residual contamination at the site is localized within the immediate vicinity of the 7,500-gallon gasoline UST and the concrete filled 300-gallon UST. The Santa Clara Water District (SCVWD) staff does not believe that a continuing threat to soil or groundwater exists as result of this contamination. On August 4, 2000, SCVWD issued a Fuel Leak Site Case Closure letter (Case No. 14-332) for the subject site.

The SCVWD has identified that one monitoring well on the site has not been properly destroyed. Wells that are not properly destroyed can allow the introduction of contaminants into the groundwater through surface runoff or surface spills or by vertical migration of contaminants which may enter the soil or groundwater in the future. Mitigation included in the project includes the proper destruction of this monitoring well.

Noise and Vibration

A noise and vibration report was prepared for the subject site by Edward L. Pack Associates Inc. (dated November 16, 2000, and last revised March 26, 2002). The primary sources of noise impacting the subject site are auto traffic from Bird Avenue and train traffic on the rail line adjacent to the site. Approximately 72 trains pass the site each day. The report indicates that existing noise exposures on the site are 75 dB DNL along Bird Avenue, 74 dB DNL at the southeastern corner of the site, 71 dB DNL along the rail road tracks, and 62 dB DNL along West Virginia Street.

The City of San Jose Noise Element recommends an interior noise limit of 45 dB DNL and an exterior limit of 60 dB DNL for residential land use impacted by transportation-related noise sources; however, the Noise Element recognizes that some development in the vicinity of railroads and along major roadways will not be able to meet the recommended noise levels and that noise attenuation needed to meet the recommended levels has the potential to eliminate the beneficial attributes of the opens space. Consistent with this provision, staff has included in the Planned Development Zoning a maximum height for the sound wall located adjacent to the rail line and will work with the applicant to balance objectives for sound attenuation with the need to provide livable and attractive outdoor open spaces. Mitigation has been included in the project to ensure that interior noise levels do not exceed 45 dB DNL.

The Federal Transportation Administration (FTA) has established a maximum ground vibration level of 72 dB for residential uses subject to *frequent events* (greater than 70 trains per 24-hour period). The vibration analysis prepared by Edward Pack and Associates indicates that a setback of 90 feet from the centerline of the tracks is needed to reduce ground vibration to the recommended level. The proposed General Development Plan has been revised to include the required building setback to ensure that that the project does not expose future residents to significant ground borne vibration impacts.

GENERAL PLAN CONFORMANCE

The site is designated *Medium Low Density Residential (8 DU/AC)* on the San Jose 2020 General Plan/Land Use Transportation Diagram. Although the project does not conform to this designation, it has been determined to be in conformance with the General Plan based on the Discretionary Alternate Use Policy; Two-Acre Rule.

Discretionary Alternate Use Policies are intended to foster and encourage the implementation of General Plan goals and policies, such as infill development, and to streamline the development review process. The Two-Acre Rule allows parcels with a residential land use designation to be developed at an appropriate density range provided the project is two acres or less in size, is compatible with surrounding uses, and exemplifies exceptional design.

The project's proposed density is higher than that of the existing single-family neighborhood to the north and east; however, the proposed townhouse density is appropriate on the subject irregularly-shaped and isolated property. West Virginia Street, Bird Avenue, and the railroad tracks separate the subject site from the existing single family residences and duplexes.

The subject site is appropriate for higher density infill development because the properties are not immediately adjacent to existing residential uses and the higher density and building heights are buffered by the roads and railroad tracks that surround the property. The proposed rezoning will make efficient use of existing City services and infrastructure, and will serve to increase the housing supply in an area with public transit and pedestrian services in conformance with General Plan goals and objectives.

ANALYSIS

Conformance with the Residential Design Guidelines (RDG)

The key elements of the Residential Design Guidelines that are relevant to the subject proposal are: 1) integration with the existing neighborhood; 2) building design; and 3) garage frontage.

Integration with the Existing Neighborhood

The RDG specify that in existing neighborhoods, transitions between new projects and their surroundings should enhance the quality of the existing neighborhood and designs should avoid the separation caused by high, solid fencing and walls or the blank walls of buildings. Specifically, new development in older neighborhoods should mirror common patterns such as entries facing the street, front porches, and parking at the rear. Public streets with sidewalks, single-family or duplex residential units, characterize the existing residential neighborhood with the majority of the front entries on the public street.

The proposed site plan places the rear of the residential units and private open space (defined by walls) adjacent to Bird Avenue and places sides of units adjacent to West Virginia. As a result, the project appears somewhat isolated, inward facing and detached from the existing neighborhood and the buildings do not interface well with the public right-of-way. The applicant has indicated that the proposed design is desirable from a marketing standpoint and staff has determined that it is acceptable, provided that future development of the commercial properties at the corner relates well to the street and avoids circling this prominent corner with blank walls.

The subject proposal places visitor parking at the rear of the site in conformance with the RDG. The proposed design mingles pedestrians and vehicles on a 26-foot wide driveway without separation. Pedestrian circulation in the form of sidewalks should be incorporated into the project design. Internal sidewalks would enhance pedestrian safety, lend the appearance of a street to the existing driveway and mirror the patten of the existing neighborhood. Staff will continue to work with the applicant at the Planned Development Permit stage to provide appropriate pedestrian sidewalks within the project.

Future Integration of Corner Parcels at West Virginia Street and Bird Avenue

The Greater Gardner SNI plan, approved earlier this year by the City Council, identifies the intersection of West Virginia Street and Bird Avenue as a key gateway to the neighborhood. The plan states that residents have expressed the desire to enhance the identity of the neighborhood through use of neighborhood entrance signs, architectural entryway treatments and/or ornamental landscaping. The existing commercial uses at this prominent gateway corner are in dire need of improvement. The buildings are dilapidated, outside storage areas are unkempt and vehicular access is awkward and unsafe.

Although the commercial properties are not included in the current proposal, the applicant has provided a conceptual master plan that includes these corner parcels (see attached Landscape Plan). The applicant's proposed corner treatment is problematic. Instead of providing a clear gateway statement, it presents rear yards and a wall to the street. As proposed, the commercial uses are eliminated and townhomes (ranging from one to three stories) present rear elevations to the Bird Avenue with no direct pedestrian access from the units to the street. Staff will work with the applicant in the future to develop an appropriate site design for this key neighborhood gateway location.

Building Design

The RDG state that well-designed buildings are necessary to create an attractive project. Elements of good design include incorporation of façade articulation for townhome buildings composed of three or more units, provision of adequate vertical and horizontal roof articulation for sloped roofs and orientation of buildings so they face the street.

Proposed building facades include minor pop-out windowsill details, chimneys, and porches on end units. The sloping roof incorporates dormers and a variety of peaks to break up the massing in conformance with the RDG.

Garage Frontage

The RDG stipulate that no less than 12 feet of the first floor building frontage should be devoted to living area and/or entry porch to create a pedestrian presence and the RDG strongly encourage tandem garages. The Guidelines discourage garages that constitute more than 50% of the total width of the house.

The proposed project places access to both the doublewide garages and recessed front pedestrian entryways from the internal driveway. The pedestrian entries for the end units are 12-feet wide in conformance with the RDG. The remainder of the pedestrian entries for the bulk of the interior units are five feet wide, recessed 13 feet from the garage face and are accessed by an outdoor set of stairs. Tall walls screen some pedestrian entries. The proposed recessed and screened pedestrian entry design was raised as a safety issue in the March 3, 2001 memo from the San Jose Police Department (see attached). The narrow, corridor approach to the units compounds the safety issue and results in facades that are dominated by garage doors.

The RDG state that if the garage frontage exceeds 50% of the total width of the unit, two of the following design features should be incorporated into the design: 1) a 12 foot-wide porch or trellis two feet in front of the garage; 2) a minimum 15-foot setback to face of building with garage recessed at least 3 feet behind, in combination with a driveway apron length of at least 18 feet; 3) usable open space above the garage with a trellis or roof at the front face of the garage; 4) enclosed second-floor living space over the garage extending to or cantilevering over the front face of the garage; 5) second-floor living space that extends to, or cantilevers over, the front face of the first-floor living area. The proposal includes part of one of the required elements (a partially-enclosed second floor open space over a portion of the garage).

Additionally, landscaping may be used to soften the garage door frontage and driveway hardscape. The placement of the trees along the driveway in front of the pedestrian entrances will not serve to improve the safety of the pedestrian entrances. Landscaping along the driveways must be appropriately placed to soften the hardscape areas, yet keep surveillance and lines of sight to pedestrian entries clear.

Staff will continue to work with the applicant at the Planned Development Permit stage to 1) redesign the front pedestrian entries so that they are safe and in conformance with the RDG; 2) incorporate at least two of the recommended RDG elements for units where the garage exceeds 50% of the width of the unit; 3) work towards high quality architecture and building materials; and 4) enhance and appropriately place landscaping along the driveway.

Conclusion

Based on the above analysis, staff concludes that the proposed project provides an opportunity to further important goals and strategies of the General Plan for infill development within the Urban Service Area, and the project, with minor improvements, conforms to the Residential Design Guidelines and is compatible with the surrounding neighborhood.

RECOMMENDATION

Planning staff recommends that the City Council approve the subject rezoning for the following reasons:

1. The proposed project is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of medium low Density Residential (8 DU/AC) under the Discretionary Alternate Use Policy, the Two Acre Rule, which allows development at the next higher density range; if the project is well-designed and compatible with surrounding uses.
2. The proposed project conforms to the Residential Design Guidelines.
3. The project furthers the goals and objectives of the City's infill housing strategies and will promote transit usage and pedestrian activity.
4. The proposed rezoning is compatible with existing and proposed uses on the adjacent and neighboring properties.

Attachments:

Location Map
General Development Plan Notes
Correspondence
Negative Declaration
Plans

- c.c. John Moniz, HMH Inc., 1570 Oakland Road, Suite 200, San Jose, CA 95131
Mike Brilliot, CSJ, Strong Neighborhoods Initiative
Alison England, North Willow Glen Neighborhood Association, 568 Fuller Avenue, San Jose, CA 95125
Mary Pizzo-Maggio, Gregory Plaza Neighborhood Association, 725 Harrison Street, San Jose, CA 95125
Mr. Mannina, 510 N. First St. #110, San Jose, CA 95112